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ABSTRACT

Sexual harassment can range from touching, tickling, pinching, patting, or grabbing; to comments about one's body; to sexual remarks, innuendoes, and jokes that cause discomfort; to obscene gestures, staring, or leering; to assault and rape. This paper addresses student testimonies of harassment, provides a profile of harassment behaviors, and offers solutions to the problem. To lessen sexual harassment in schools, teachers and administrators must transform the broader school culture. Dealing effectively with sexual harassment requires schools to infuse both a spirit of equity and a critique of injustice into their curriculums and pedagogy. Harassment flourishes where children are practiced in the art of doing nothing in the face of unjust treatment by others. If youngsters have not been encouraged to critique the sexism of the curriculum, hidden and overt, then they are less likely to recognize sexism when it confronts them on a daily basis. Students need to be involved in decisions about school policy, environment, and curriculum. Only in conjunction with efforts to reduce other practices that promote and institutionalize inequalities in schools, such as tracking, standardized testing, biased curricula, and classroom practices and pedagogies, will U.S. schools become safe and conducive learning environments for all students. (RJM)

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Secrets in full view: Sexual harassment in our K-12 schools

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A paper presented as part of the symposium, "Lies, secrets and silences: Feminist issues in adolescent girls' education and development," at the American Psychological Association Annual Convention, Toronto, Canada; August 24, 1993.

> It came to the point where I was skipping almost all of my classes, therefore getting kicked out of the honors program. It was very painful for me. I dreaded school each morning, I started to wear clothes that wouldn't flatter my figure, and I kept to myself. I never had a boyfriend that year. I'd cry every night I got home, and I thought I was a total loser....Sometimes the teachers were right there when it was going on. They did nothing....I felt very angry that these arrogant, narrow-minded people never took the time to see who really was inside....I'm also very angry that they took away my self-esteem, my social life, and kept me from getting a good education (16 year old from mid-sized city in Illinois.)

> Being sexually harassed at school made me feel upset, angry, and violated. I mean, I shouldn't have to take this crap at school, should I? It's my right to go to school and not be harassed isn't it? I feel confused because I wonder if all guys think those things about me! I feel insecure after this happens. I hate it. I shouldn't have to feel sexually intimidated by people who barely know me. (16 year old from a mid-sized city in northern New England).

Peer to peer sexual harassment is rampant in elementary and secondary schools. While sometimes identified and curtailed, more often than not it is tolerated, characterized as a normal stage in healthy American adolescent development. Frequently it is identified as "flirting" or dismissed as part of acceptable "initiation rites." No harm done" and "no big deal" are the often-cited claims. Regardless of the ways school authorities rationalize its appearances, sexual harassment interferes with a

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student's right to receive equal educational opportunities, and is a violation of Title IX, the 20 year old federal law that outlaws sex discrimination in educational institutions receiving federal financial assistance[1].

Sexual harassment in schools operates in full and plain view of others. Boys harass girls with impunity while people watch. Examples of sexual harassment that happen in public include attempts to snap bras, grope at girls' bodies, pull down gym shorts, or flip up skirts; circulating "summa cum slutty" or "piece of the ass of the week" lists; designating special weeks for "grabbing the private parts of girls;" nasty, personalized graffiti written on bathroom walls; sexualized jokes, taunts, and skits that mock girls' bodies performed at school sponsored pep rallies, assemblies, or half-time performances during sporting events; and outright physical assault and even rape in schools. (Stein, 1992).

Sexual harassment is a form of sex discrimination, and is illegal as defined by Title IX of the Educational Amendments of 1972, Title VII of the Civil Rights Act (1964 amended 1972)[2], the equal protection clause of the Fourteenth Amendment[3] of the U.S. Constitution, and numerous state criminal and civil statutes[4]. The presence or absence of sexual harassment depends on the victim's perception of "unwelcomed" sexual behavior. Sexual harassment can range from touching, tickling, pinching, patting, or grabbing; to comments about one's body; to sexual remarks,

innuendoes, and jokes that cause discomfort; to obscene gestures, staring, or leering; to assault and rape.

Both students and employees are legally protected against sexual harassment, regardless of whether the perpetrator is an employee, a student, or an individual who is connected to the school district only by means of being part of an organization with which the school has a contractual agreement. Some forms of sexual harassment may also be actionable as child abuse, sexual assault, rape, pornography, criminal or civil libel, slander, or defamation of character. Victims, as well as educators or community members acting on the victim's behalf, may file sexual harassment complaints (Stein, 1993). Sexual harassment contaminates the whole school environment, and its reach may embrace more than the immediate and intended target(s). Indeed, the school environment becomes poisoned for everyone - innocent witnesses and bystanders alike - in addition to the intended subject/victim of the sexual harassment.

The examples of peer-to-peer sexual harassment cited above are commonplace occurrences in elementary and secondary schools across the country, in small towns with homogeneous populations as well as in large cities with more culturally diverse populations (Stein, 1981; Strauss, 1986; LeBlanc, 1992; Linn, Stein and Young, 1992; Stein, 1991; Stein, 1992; Gross, 1992; Lawton, 1993; Spaid, 1993; Stein 1993; Seventeen survey results 1993). The desperate dilemma facing victims of sexual harassment is how to avoid the upsetting and degrading incidents when they

have become so acceptable, ordinary, and public. What happens in public, if not interrupted, becomes normalized and acceptable over time. Moreover, students have expectations that if something scary, unpleasant, or illegal is happening in school, especially if it is occurring in public, someone with authority will intervene to stop it, to help out, or at least believe the victim afterwards. Yet sexual harassment seems for the most part to proceed mostly without adult interventions thereby exacerbating and broadening its reach and reign of terror. In schools sexual harassment is tenacious, pervasive, and operates as a kind of gendered terrorism (Stein, 1992).

The following excerpts come from narratives written by young women about their experiences of sexual harassment in schools:

> The problem is, this is middle school, and they think it doesn't happen, but it does! He only gets a warning or, if I'm lucky, detention. It's so unfair! It's all over our school. (12 years old, Atlanta, GA area).

> He had a habit of trying to sneak up on girls and try(ing) to pull their shorts down. All the girls complained to the teacher - who yelled at him but did nothing. What made things harder was that some girls kidded with him which may have encouraged him further. For about 3 months he continued. Some days were better than others, most people tried to avoid him...what angers me is that even though I filed a formal complaint, the gym teacher didn't get in trouble. The boy was watched for a while until the principal had more evidence - then suspended for 6 days.
> The "big picture" is scarier than isolated incidents.
> (17 year old from New Jersey)

> It was like fighting an invisible, invincible enemy alone. I didn't have a clue as to what to do to stop it, so I experimented different approaches. Ignoring it only made it worse. It made it easier for them to do it, so they did it more. Laughing at the perpetrators during the assaults didn't dent the problem at all, and

soon my friends became tired of doing this. They thought it was a game. Finally I wrote them threatening letters. This got me in trouble. but perhaps it did work. I told the school administrators what had been happening to me. They didn't seem to think it a big deal, but they did talk to the three biggest perpetrators. The boys ignored the administrators and it continued. And they were even worse. (15 year old from a mid-sized city in MA).

Of the times I was sexually harassed at school, one of them made me feel really bad. I was in class and the teacher was looking right at me when this guy grabbed my butt. The teacher saw it happen. I slapped the guy and told him not to do that. My teacher didn't say anything and looked away and went on with the lesson like nothing out of the ordinary had happened. It really confused me because I knew guys weren't supposed to do that, but the teacher didn't do anything. I felt like the teacher (who was a man) betrayed me and thought I was making a big deal out of nothing. But most of all, I felt really bad about myself because it made me feel slutty and cheap. It made me feel mad too because we shouldn't have to put up with that stuff, but no one will do anything to stop it. Now sexual harassment doesn't bother me as much because it happens so much it almost seems normal. I know that sounds awful, but the longer it goes on without anyone doing anything, the more I think of it as just one of those things that I have to put up with. (14 year old from a mid-sized city in the Pacific northwest).

The silences of adults in the school community represent negligence, allowing and encouraging the sexual harassment to continue. The cynical, bitter lessons of silence and neglect affect not only the subjects of sexual harassment, but also embrace the bystanders and witnesses. Boys as well as girls become mistrustful of adults who fail to intervene, provide equal protection, and safeguard the educational environment. Too many of our schools have become unsafe, uncaring, and unjust (Stein 1992).

A HIDDEN CURRICULUM OF ABUSE & POWERLESSNESS

Listening to the stories of young women's experiences of sexual harassment in schools has led me to see that schools may in fact be training grounds for the insidious cycle of domestic violence: girls learn that they are on their own, that the adults and others around them will not believe or help them when they report sexual harassment or assault. The school's hidden curriculum teaches young women to suffer abuse privately, that to resist is futile. When they witness harassment of others and fail to respond, they absorb a different kind of powerlessness - that they are incapable of standing up to injustice or acting in solidarity with their peers. Similarly, boys receive permission in schools, even training, to become batterers through the practice of sexual harassment. Indeed, if school authorities do not intervene and challenge the boys who sexually harass, the schools may be encouraging a continued pattern of violence in relationships. The larger societal problem of domestic violence may in fact be fueled in our schools as sexual harassment (Stein, 1992). Moreover, the sorts of remedies school officials import into the school to resolve incidents of sexual harassment or teen-dating violence are often those same tactics found to be ineffective in diffusing domestic violence. In particular, restraining orders, often used by battered women in hopes of keeping their batterers away from them, are taken out by teenage couples when they sever their relationship. These measures,

ineffectual in keeping batterers away from their targets (Hokler, 1992; Ross, 1992; Walker, 1992), may be even harder to enforce in a school community where students mingle in the cafeteria, hallways, and parking lot. Clearly, school officials cannot count on restraining orders to curb peer-to-peer sexual harassment and teen-dating violence.

"Bullying" as an antecedent to sexual harassment

The antecedents to peer-to-peer sexual harassment in schools may be found in "bullying," behaviors children learn, practice, and/or experience beginning at a very young age. All boys know what a bully is, and many boys as well as girls have been victims of bullying. Teachers and parents know about bullying and many accept it as an unfortunate stage that some children go through on their way to adolescence and adulthood. Left unchecked and unchallenged, bullying may in fact serve as fertile practice ground for sexual harassment.

Like its older cousin, sexual harassment, bullying deprives children of their rightful entitlement to be educated and secure in the knowledge that they will be safe and free from harm. While laws in many states outlaw the practice of "hazing" in educational institutions (defined as the organized practice of induction, usually into a fraternity or sports team, through degrading behaviors and/or physical assault), bullying floats free from legal restraint and adult intervention, and is often not discussed as a deliberate part of the school curriculum (Stein, unpublished manuscript, 1992).

If educators and advocates pose and present the problem as "bullying" to young children, rather than labeling it immediately as "sexual harassment," we can engage children and universalize the phenomena as one that boys as well as girls will understand and accept as problematic. We will go a long way towards developing compassion and empathy in boys for girls and what it is that boys do to girls when they sexually harass them. Moreover, we can simultaneously avoid demonizing all little boys as potential "harassers" by initially presenting these hurtful and offensive behaviors as bullying. Activities that ask the children to distinguish between "teasing" and "bullying" can help them focus on the boundaries between appropriate and inappropriate/hurtful behaviors. Gaining a conceptual framework and vocabulary that elementary school age children can understand and apply will help them make the link and allow them to jump to discussions of sexual harassment.

Bullying and its links to sexual harassment in schools is of critical importance. Sexual harassment of girls by their male peers in school is more than the equivalent of the Tailhook scandal because, unlike Tailhook, the sexual harassment is not localized to one site during one week, but rather is a secret that happens in public everyday in schools across the nation.

CONCLUSION

Ultimately, a strategy to attack sexual harassment in schools needs to aim at a transformation of the broader school

culture. Dealing effectively with sexual harassment is much easier if a school has committed itself to infuse a spirit of equity and a critique of injustice into its curriculum and pedagogy. On the other hand, harassment flourishes where children are practiced in the art of doing nothing in the face of unjust treatment by others. When teachers subject children to a "sit-down-shut up-and-do-your-work" pedagogy, they don't learn to think of themselves as moral subjects, capable of speaking out when they witness bullying or other forms of harassment. If youngsters haven't been encouraged to critique the sexism of the curriculum, hidden and overt, then they are less likely to recognize it when they confront it in their midst. Too often, the entire school structure offers children no meaningful involvement in decision-making about school policy, climate, or other curriculum matters. Life in school rehearses children to be social spectators[5].

Sexual harassment in schools, a well-known social secret and national disgrace, must become a public concern in order for it to be obliterated from educational settings. With sustained and multipronged educational efforts we can crack the denial and casualness that surround the problem of sexual harassment in schools. Only in conjunction with efforts to reduce other practices that promote and institutionalize inequalities in schools, such as tracking, standardized testing, biased curricula, and classroom practices and pedagogies, will our schools become safe and conducive learning environments for all

students, with equal educational opportunities and justice available for both females and males. In order to live out the democracy, we need to practice it in our schools.

These remarks are drawn from a forthcoming book chapter, "*No Laughing Matter: Sexual Harassment in Schools*," in Transforming a Rape Culture (Buchwald, E., Fletcher, P., and Roth, M., editors). Minneapolis: Milkweed Editions (forthcoming October 1993).

1. *Federal Title IX of the Education Amendments of 1972, U.S.Code vol. 20, section 1681 (P.L. 92-318)*:

> No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

2. *Equal Employment Opportunity Commission Guidelines: (Federal Register, November 10, 1980) 29 C.F.R. Section 1604.11, Part 1604 - Guidelines on Discrimination Because of Sex. Section 1604.11 Sexual Harassment.*

> Harassment on the basis of sex is a violation of Sec. 703 of Title VII. Unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature constitute sexual harassment when (1) submission to or rejection of such conduct is made either explicitly or implicitly a term or condition of an individual's employment, (2) submission to or rejection of such conduct by an individual is used as the basis of an employment decision affecting such individual, or (3) such conduct has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment. (p. 746676).

3. *Civil Rights Act of 1871, 42 U.S.C. section 1983*:

> Every person who, under color of any statute, ordinance, regulation, custom, usage, of any state or territory, subjects or causes to be subjected, any citizen of the United States or any person within the jurisdiction thereof to the deprivation of any rights, privileges, or immunities secured by the Constitution and laws, shall be liable to the party injured in an action at law, suit in equity, or other proper proceeding for redress.

Section 1983, which is a federal statute, provides an avenue of redress for individuals who have been deprived of their federal constitutional or statutory rights at the behest of state authority. Section 1983 provides redress for violation of explicit constitutional rights (e.g., the right to due process) and also of federal statutory rights passed pursuant to constitutional authority.

4. Most states have laws and/or governors' executive orders on the prohibition of sexual harassment in employment, in the public sector, and in education. The agencies with oversight and jurisdiction are either the state's human rights commission or department (for example in Minnesota, Washington State, Montana) or a state-wide equal opportunity office. For example, in

Massachusetts, it is called the Massachusetts Commission Against Discrimination; in Rhode Island, it is called the State Equal Opportunity Office. In addition, in many states there are Executive Orders issued by the governors that address sexual harassment in all state agencies. Examples include:

> Massachusetts, Executive Order No. 200 by (former) Governor Edward J. King on 20 August 1981, and reissued by his successor, Michael S. Dukakis as Executive Order No. 240 in 1986.
>
> Rhode Island, Executive Order No. 91-39 issued on 28 October 1991 by Governor Bruce Sundhun.

5. Conversations with author Bill Bigelow, February 1993.

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